

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

21-CV-949-LJV-MJR
DECISION & ORDER

\$25,348 UNITED STATES CURRENCY,

Defendant.

On August 20, 2021, the United States filed a verified complaint for forfeiture under 21 U.S.C. § 881(a)(6), Docket Item 1, and on October 2, 2021, Adel Munassar filed a claim to the defendant currency, Docket Item 7. Munassar answered the complaint on October 22, 2021. Docket Item 8. About a week later, this Court referred the case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 9.

On February 28, 2022, the United States moved to strike Munassar's claim and answer. Docket Item 15. After Munassar did not respond to that motion, on April 14, 2022, Judge Roemer issued a Report and Recommendation ("R&R") recommending that the United States' motion to strike be granted. Docket Item 19. Although Munassar did not object to the R&R before the time to do so expired, this Court extended the time to object because Munassar's counsel of record had advised the Court of a potential conflict of interest, and there was no indication that the R&R had been mailed to

Munassar himself or to his potential new attorney.¹ Docket Item 20. The R&R has since been sent to both Munassar and his potential new attorney, *see id.*, but no objections have been filed, and the extended time to object now has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's R&R as well as the submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to grant the United States' motion to strike Munassar's claim and answer.

For the reasons stated above and in the R&R, the United States' motion to strike, Docket Item 15, is GRANTED. The case is referred back to Judge Roemer for further proceedings consistent with the referral order of October 31, 2021, Docket Item 9.

¹ Munassar's current attorney informed Judge Roemer several times that he planned to withdraw and that another attorney would be entering a notice of appearance. *See* Docket Item 19 at 4. No new attorney has appeared, however, and Munassar's current attorney remains his counsel of record.

SO ORDERED.

Dated: June 6, 2022
Buffalo, New York

/s/ Lawrence J. Vilaro
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE